

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

At the outset, it is noted that one sheet of drawings was originally filed in the present application. Consideration and indication of the acceptability of the sheet of drawings is respectfully requested.

By the above amendments, withdrawn claims 1-3 and 6 have been canceled without prejudice or disclaimer. Claims 4 and 5 have been amended to be in independent form by incorporating the features of claim 1 therein. In addition, claims 7 and 9 have been amended to be in independent form by incorporating the features of claim 2 therein. Further, claims 8 and 10 have been amended to be in independent form by incorporating the features of claim 3 therein.

Claims 4, 5 and 7-10 have been amended for clarification purposes by replacing the term "halogen compounds" with "halogen compound". Claims 4, 5 and 7-10 have also been amended for readability purposes by reciting that the detector agent is "for detecting a halogen compound". Claims 4, 7 and 8 have been amended for readability by replacing the phrase "on a position" with "in a position".

Claims 4 and 5 have been amended for clarification purposes to recite a list of halogen compounds to be detected, wherein the list does not include Cl₂. Support for this amendment can be found in the instant specification at least at page 4, lines 14-16. Claim 7 has been amended for clarification purposes to recite that the gas to be detected contains a halogen compound. As

well, claim 9 has been amended for clarification purposes to recite that the gas to be treated contains a halogen compound.

Claims 5, 9 and 10 have been amended for readability purposes by deleting the phrases "from the outside" and "for treatment". Claims 5, 9 and 10 have also been amended for readability by replacing the terms "the upper layer" and "the bottom side", with the terms "an upper layer" and "a bottom side", respectively. Claims 5, 9 and 10 have further been amended for clarification purposes by replacing the phrase "filled with" with "containing".

New claims 11 and 12 are directed to methods for monitoring a solid treatment agent for removing or decomposing at least one halogen compound present in a gas. Support for such new claims can be found in the specification at least at page 3, lines 6-13, taken in connection with page 2, lines 26-29. Each of new dependent claims 13-17 recites a list halogen compounds to be detected. Support for new claims 13-17 can be found in the specification at least at page 4, lines 14-19.

In the Official Action, claims 4 and 5 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,060,034 (*Tsukamoto et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Tsukamoto et al relates to an abatement system for ClF_3 containing exhaust gases (col. 1, lines 6 and 7).

Tsukamoto et al does not constitute an anticipation of aspects of the present invention as defined by claims 4 and 5. For example, *Tsukamoto et al* does not disclose a detector agent for detecting a halogen compound, which comprises curcumin as a discoloring component, wherein the halogen compound to be detected is selected from the group consisting of SiH_2Cl_2 , HF, F_2 ,

HBr, ClF₃, TiCl₄, BCl₃, HI and mixtures thereof, as recited in each of claims 4 and 5. By comparison, *Tsukamoto et al* discloses that curcumin can be used if detection of Cl₂ is expected (col. 2, lines 36-38). However, *Tsukamoto et al* has no disclosure or recognition of using curcumin to detect a halogen compound selected from the group consisting of SiH₂Cl₂, HF, F₂, HBr, ClF₃, TiCl₄, BCl₃, HI and mixtures thereof, as recited in claims 4 and 5.

For at least the above reasons, it is apparent that *Tsukamoto et al* does not anticipate claims 4 and 5. Accordingly, withdrawal of the §102(e) rejection is respectfully requested.

Claims 7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,287,518 (*Ignacio et al*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Ignacio et al relates to determining the concentration of a peracid present during a sterilization process (col. 2, lines 49-52). *Ignacio et al* discloses a sterilization monitor for vapor phase sterilization processes that includes a monitor composition and a substrate (col. 2, lines 62-64). The monitor composition contains a colorant and a halogen source, and undergoes a distinct color change when exposed to peracid vapor (col. 1, lines 26 and 27; col. 2, lines 65 and 66).

Ignacio et al does not constitute an anticipation of aspects of the present invention defined by claims 7 and 9. For example, *Ignacio et al* does not disclose bringing a detector agent for detecting a halogen compound into contact with a gas to be detected that contains a halogen compound, as recited in claim 7. Similarly, *Ignacio et al* fails to disclose a gas to be treated which contains a halogen compound, as recited in claim 9.

By comparison, *Ignacio et al* discloses that the monitor composition (which contains the halogen source) is carried on a substrate, preferably by using a binder resin (col. 2, line 66 to col.

3, line 9; col. 3, line 40). Clearly, *Ignacio et al* has no disclosure of a gas which contains a halogen compound, and at best discloses a halogen source that is part of a monitor composition present on a substrate. For at least this reason, *Ignacio et al* does not anticipate claims 7 and 9.

Moreover, in further contrast with claims 7 and 9, *Ignacio et al* discloses that the halogen source is part of a monitor composition which is used to indicate the presence of a peracid vapor. *Ignacio et al* is not even concerned with detecting a halogen compound. Rather, *Ignacio et al* discloses using a halogen source and a colorant to detect a peracid vapor. There is simply no motivation or suggestion to modify *Ignacio et al* to provide the halogen source in a gas.

For at least the above reasons, *Ignacio et al* neither anticipates nor renders *prima facie* obvious aspects of the present invention defined by claims 7 and 9. Accordingly, withdrawal of the above §103(a) rejection is respectfully requested.

Claims 8 and 10 stand rejected under 35 U.S.C. §103(a) as being obvious over *Tsukamoto et al* in view of U.S. Patent No. 4,333,893 (*Clyde*). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Without addressing the propriety of the Patent Office's comments in support of the above rejection, it is submitted that under the provisions of 35 U.S.C. §103(c), *Tsukamoto et al* has been removed from qualifying as §102(e) prior art in the present §103(a) rejection. See M.P.E.P. §706.02(l)(1). In this regard, attached is a Statement Under 35 U.S.C. §103(c) executed by the undersigned, which states that at the time the invention of the present application was made, the invention of the present application and the invention of U.S. Patent No. 6,060,034, were each owned by or subject to an obligation of assignment to L'AIR LIQUIDE, SOCIETE ANONYME

POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE.¹ The filing of such statement is effective to remove *Tsukamoto et al* from qualifying as §102(e) prior art in the present §103(a) rejection.

Furthermore, the present application claims the benefit of foreign priority from Japanese Patent Application No. 2000-025331 (JP '331), filed February 2, 2000. In order to perfect such foreign priority claim, Applicants submit herewith a verified English translation of JP '331. The February 2, 2000 filing date of JP '331 predates the May 9, 2000 publication date of *Tsukamoto et al*. Accordingly, *Tsukamoto et al* does not constitute §102(a) prior art with respect to the present application.

The §103(a) rejection based on *Tsukamoto et al* and *Clyde* has been obviated by the removal of *Tsukamoto et al* from qualifying as §102(a) and (e) prior art. Accordingly, withdrawal of such rejection is respectfully requested.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

¹It is noted that the present application is *currently* assigned to L'AIR LIQUIDE, SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE and AIR LIQUIDE ELECTRONICS SYSTEMS. There does not appear to be any requirement under 35 U.S.C. §103(c), that the present application and the applied art be *currently* owned by the same entity. Rather, §103(c) states that "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, *at the time the invention was made*, owned by the same person or subject to an obligation of assignment to the same person. [emphasis added]"

Application No. 09/767,704
Attorney's Docket No. 000348-252

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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